

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LUIS GONZALEZ,

Petitioner,

v.

BARRY SMITH, et al.,

Respondents.

CIVIL ACTION

NO. 20-2844-KSM

ORDER

AND NOW, this 1st day of June, 2023, upon consideration of Petitioner Luis Gonzalez's Application to File a Second or Successive Motion to Vacate Judgment Under Rule 60(b)(3) and 28 U.S.C. § 2254(d)(2) (Doc. No. 55) and Respondents' response (Doc. No. 57), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that Gonzalez's motion (Doc. No. 55) is **DENIED**. It is further **ORDERED** that Court finds no probable cause to issue a certificate of appealability.¹

IT IS SO ORDERED.

/s/KAREN SPENCER MARSTON

KAREN SPENCER MARSTON, J.

¹ Because jurists of reason would not debate this Court's disposition of Defendant's motion, no certificate of appealability should be granted. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).